

SECOND DAY**(Continued)**

(Wednesday, February 15, 1950)

AFTER RECESS

The Senate met at 11:00 o'clock a.m. and was called to order by the President pro tempore.

Leave of Absence Granted

Senator Bracewell was granted leave of absence for today on account of important business on motion of Senator Kelly of Tarrant.

Senate Concurrent Resolution 8

Senator Jones by unanimous consent, offered the following resolution:

S. C. R. No. 8, Granting Charles C. Telford permission to sue the State.

Whereas, Charles C. Telford of Denton, Denton County, Texas, did on or about the 11th day of August, 1948, sustain personal injuries to his left arm and body while in the employment of the North Texas State Teachers College, an institution and instrumentality of the State of Texas, created and authorized by the laws of said State and located in Denton, Texas; and

Whereas, At the time of said injury the said Charles C. Telford was operating a machine device commonly known as a drag line in the construction and maintenance of a golf course in or near the city of Denton, Texas, and which golf course was owned, controlled and operated by said North Texas State Teachers College and/or the State of Texas for the use and benefit of said college and said State of Texas as a part of and in connection with the authority given said College by law; and

Whereas, Said Charles C. Telford was at said time and place driving said described machine within the scope of his employment and under the direction of his superiors who were at said time and on said occasion directing and supervising the movements of said described machine, and all of which was within the authority of said College so to do by and through its president, supervisors, and officers, agents and employees and all of which were at said time agents and employees of the State of Texas; and

Whereas, Said Charles C. Telford

while so employed and so engaged, sustained injuries partial and/or permanent through no fault or negligence of himself and by reason of said injuries was compelled and did incur hospital and doctor bills of such proportions that he is financially unable to pay, and which bills and expenditures were reasonable and necessary in the protection of the life and health of the said Charles C. Telford; and

Whereas, The said Charles C. Telford is desirous of having determined the liability of the North Texas State Teachers College and/or the State of Texas his damages so sustained as a direct and proximate cause of his employment and injuries, as herein set forth, by filing suit or suits in the proper court or courts of the State of Texas, within the county of Denton, Denton, Texas; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives of the State of Texas concurring, that the said Charles C. Telford be and he is hereby authorized to file suit against the State of Texas, and North Texas State Teachers College of Texas, in the proper court or courts having jurisdiction thereof in Denton County, Texas, to determine the damages, if any, he is entitled to recover; and that in the event said suit or suits are filed, service of citation or other necessary process shall be had upon the President of the North Texas State Teachers College and the Attorney General of Texas, and that said suit or suits when so filed shall be tried as all other civil suits, reserving to either party the right to appeal, and if final judgment is rendered against the State of Texas and the North Texas State Teachers College, or either of them, the North Texas State Teachers College is hereby authorized and empowered to pay same out of any funds available and belonging to said North Texas State Teachers College, and there is hereby appropriated a sufficient amount to pay said final judgment, if any, which might be recovered by the said Charles C. Telford. However, it is to be understood that the purpose of this resolution is to grant permission to said Charles C. Telford to bring suit against the State of Texas, and no admission of liability of the State is made by this resolution, and every allegation of fact must be alleged and proved in court, reserving to the State of Texas and/or the North Texas State Teachers College the right to

present in court all proper defenses thereto except the defense of non-liability on the part of a sovereign to be held liable for the torts of its officers, agents and employees, and the State of Texas through its Legislature hereby waives such right and consents to be sued only as herein authorized, hereby giving and granting full power and authority to the Attorney General of Texas to settle and compromise any and all suits brought hereunder by agreed judgments or judgment.

The resolution was read and referred to the Committee on Civil Jurisprudence.

Senate Concurrent Resolution 9

Senator Colson by unanimous consent, offered the following resolution:

S. C. R. No. 9, Granting the Trinity Lumber Company and others permission to sue the State.

Whereas, Each of the corporations hereinafter named, at various times paid certain franchise taxes and filing fees to the State of Texas in the amounts set forth immediately following their respective names, as follows:

1. Trinity County Lumber Company
Franchise taxes\$ 6,210.00
Filing fees 640.00
2. Drumm Commission Company
Franchise taxes 3,272.00
3. J. Rosenbaum Grain Company
Franchise taxes 1,745.50
Filing fees 1,740.00
4. Capitol Freehold Land and Investment Company
Franchise taxes 8,725.45
Filing fees 10,100.00
5. C. B. Livestock Company
Franchise taxes 4,822.00
6. Continental Supply Company
Franchise taxes 2,959.00
Filing fees 1,040.00
7. Advance Thresher Company
Franchise taxes 3,362.50
8. Erie City Iron Works
Franchise taxes 5,370.00

9. Consolidated Kansas City Smelting and Refining Company
Franchise taxes 5,286.30
Filing fees 2,540.00

10. The Standard Savings and Loan Association
Franchise taxes 4,380.25
Filing fees 50.00

Whereas, Each of the above named corporations, all being foreign corporations, and their successors and assigns, maintain that the above mentioned franchise taxes and filing fees were illegally and unlawfully exacted of them in the amounts shown above, respectively, under unconstitutional or invalid laws; and

Whereas, None of such corporations nor those succeeding to such causes of action have heretofore been able to file suit against the State of Texas on such claims, or to otherwise obtain payment thereof; now, therefore, be it

Resolved, By the Senate of Texas, the House of Representatives concurring, that each of the above named corporations, its successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise, are hereby granted permission to sue the State of Texas to determine whether or not and in what amount taxes and filing fees have been heretofore illegally exacted of the above named corporations, their predecessors or successors, respectively, and to recover judgment against the State of Texas for any such amount so illegally and unlawfully exacted and collected of and paid by each of such corporations respectively, or their predecessors or successors.

It is especially understood that the purpose of this resolution is to grant permission to sue the State of Texas to each of the respective corporations named above, and its successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise; and nothing herein shall be construed as an admission of liability against the State, and the facts upon which the respective plaintiffs may seek to recover must be proved as in any other case.

Service of citation for the purpose herein granted may be had upon the State of Texas by serving the Attorney General of Texas and the Secretary of State of the State of Texas.

Venue herein shall lie in any District of State of the State of Texas.

Permission to sue the State of Texas is granted severally to the various corporations listed above, and their successors and assigns as well as any and all holders of such causes of action, whether corporate, individual, fiduciary or otherwise; but two (2) or more thereof may elect to bring suit together, and such shall not constitute a misjoinder of parties or causes of action.

The resolution was read and referred to the Committee on Civil Jurisprudence.

Report of Standing Committee

Senator Lane by unanimous consent, submitted the following report:

Austin, Texas,
February 14, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. 1, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

LANE,
Vice Chairman.

Bill Ordered Not Printed

On motion of Senator Lane, and by unanimous consent, it was ordered that H. B. No. 1 be not printed.

House Bill 1 On Second Reading

Senator Lane moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House Bill No. 1 be placed on its second reading and passage to third reading, and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kelley of Hidalgo
Ashley	Kelly of Tarrant
Bell	Lane
Bullock	Lock
Colson	Martin
Corbin	McDonald
Cousins	Moffett
Hardeman	Morris
Hazlewood	Nokes
Hudson	Phillips
Jones	Proffer

Shofner	Vick
Tynan	Weinert

Absent

Carney	Moore
Harris	Strauss

Absent—Excused

Bracewell

The President pro tempore then laid before the Senate on its second reading and passage to third reading:

H. B. No. 1, Making an appropriation for the support, maintenance, and improvement of the State Hospitals and Special Schools.

The bill was read second time.

Senator Lane offered the following committee amendment to the bill:

(1)

Amend House Bill No. 1, by striking out all below the enacting clause, and insert in lieu thereof the following:

"Section 1. Amend House Bill No. 321, Acts of the Regular Session, 51st Legislature, 1949, by making an appropriation for the support, maintenance, and improvement of the several State Hospitals, Special Schools, and other institutions included in said House Bill No. 321, for the fiscal year beginning September 1, 1950, and ending August 31, 1951, to read as follows:

Austin State Hospital, Austin

For Year Ending
Aug. 31, 1951

Salaries	
1. Superintendent ... \$	6,600.00
2. Business Manager.	5,640.00
3. Salaries	787,760.00

Total Salaries.. \$ 800,000.00

For Year Ending
Aug. 31, 1951

4. Support and Maintenance, Bond Premiums and Traveling Expenses	\$ 900,000.00
5. General Repairs and Improvements and Equipment	\$ 200,000.00

Grand Total—
Austin State
Hospital \$ 1,900,000.00

Big Spring State Hospital, Big Spring**For Year Ending
Aug. 31, 1951**

Salaries		
1. Superintendent ...	\$	6,600.00
2. Business Manager.		5,640.00
3. Salaries		237,760.00
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Total Salaries..	\$	250,000.00
4. Support, Maintenance, Traveling Expenses and Bond Premiums	\$	225,000.00
5. General Repairs and Improvements and Equipment		25,000.00

**Grand Total—
Big Spring
State Hos-
pital**

Rusk State Hospital, Rusk

Salaries		
1. Superintendent ...	\$	6,600.00
2. Business Manager.		5,640.00
3. Salaries		687,760.00
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Total Salaries..	\$	700,000.00
4. Support, Maintenance, Traveling Expenses and Bond Premiums.		750,000.00
5. General Repairs and Improvements and Equipment		100,000.00

**Grand Total—
Rusk State
Hospital**

**San Antonio State Hospital,
San Antonio**

Salaries		
1. Superintendent ...	\$	6,600.00
2. Business Manager.		5,640.00
3. Salaries		787,760.00
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Total Salaries..	\$	800,000.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.		900,000.00
5. General Repairs and Improvements and Equipment		200,000.00

**Grand Total—
San Antonio
State Hospital \$**

Terrell State Hospital, Terrell**For Year Ending
Aug. 31, 1951**

Salaries		
1. Superintendent ...	\$	6,600.00
2. Business Manager.		5,640.00
3. Salaries		737,760.00
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Total Salaries..	\$	750,000.00
4. Support, Maintenance, Traveling Expenses and Bond Premiums.		800,000.00
5. General Repairs and Improvements and Equipment		100,000.00

**Grand Total—
Terrell State
Hospital**

**Wichita Falls State Hospital,
Wichita Falls**

Salaries		
1. Superintendent ...	\$	6,600.00
2. Business Manager.		5,640.00
3. Salaries		837,760.00
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Total Salaries .	\$	850,000.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.		950,000.00
5. General Repairs and Improvements and Equipment		100,000.00

**Grand Total—
Wichita Falls
State Hospital \$**

Abilene State Hospital, Abilene

Salaries		
1. Superintendent ...	\$	6,600.00
2. Business Manager.		5,640.00
3. Salaries		437,760.00
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Total Salaries .	\$	450,000.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.		475,000.00
5. General Repairs and Improvements and Equipment		150,000.00

**Grand Total—
Abilene State
Hospital**

Austin State School, Austin		Texas Confederate Home for Men, Austin	
For Year Ending Aug. 31, 1951		For Year Ending Aug. 31, 1951	
Salaries		Salaries	
1. Superintendent ... \$	6,600.00	1. Superintendent ... \$	5,004.00
2. Business Manager.	5,640.00	2. Business Manager.	3,600.00
3. Salaries	687,760.00	3. Salaries	216,396.00
Total Salaries.. \$	700,000.00	Total Salaries.. \$	225,000.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	675,000.00	4. Support and Maintenance, Traveling Expenses, and Bond Premiums.	250,000.00
5. General Repairs and Improvements and Equipment	100,000.00	5. General Repairs and Improvements and Equipment	50,000.00
Grand Total— Austin State School	\$ 1,475,000.00	Grand Total— Texas Confederate Home for Men	\$ 525,000.00
Austin State School Farm Colony, Austin		State Tuberculosis Sanatorium, Sanatorium	
Salaries		Salaries	
1. Superintendent ... \$	5,004.00	1. Superintendent ... \$	6,600.00
2. Business Manager.	3,600.00	2. Business Manager.	5,640.00
3. Salaries	131,396.00	3. Salaries	462,760.00
Total Salaries.. \$	140,000.00	Total Salaries.. \$	475,000.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	135,000.00	4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	500,000.00
5. General Repairs and Improvements and Equipment	50,000.00	5. General Repairs and Improvements and Equipment	75,000.00
Grand Total— Austin State School Farm Colony	\$ 325,000.00	Grand Total— State Tuberculosis Sanatorium	\$ 1,050,000.00
Mexia State School and Home, Mexia		East Texas Tuberculosis Sanatorium, Tyler	
Salaries		Salaries	
1. Superintendent ... \$	6,600.00	1. Superintendent ... \$	6,600.00
2. Business Manager.	5,640.00	2. Business Manager.	5,640.00
3. Salaries	337,760.00	3. Salaries	337,760.00
Total Salaries.. \$	350,000.00	Total Salaries.. \$	350,000.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	400,000.00	4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	400,000.00
5. General Repairs and Improvements and Equipment	50,000.00		
Grand Total— Mexia State School and Home	\$ 800,000.00		

	For Year Ending Aug. 31, 1951		For Year Ending Aug. 31, 1951
5. General Repairs and Improvements and Equipment	50,000.00	4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	150,000.00
Grand Total— East Texas Tuberculosis Sanatorium..	\$ 800,000.00	5. General Repairs and Improvements and Equipment	15,000.00
Weaver H. Baker Memorial Tuberculosis Sanatorium, Mission Salaries		Grand Total— Waco State Home	\$ 300,000.00
1. Superintendent ...	\$ 6,600.00	Texas Blind, Deaf, and Orphan School, Austin Salaries	
2. Business Manager.	5,640.00	1. Superintendent ...	\$ 5,004.00
3. Salaries	537,760.00	2. Business Manager.	3,600.00
Total Salaries.	\$ 550,000.00	3. Salaries	141,396.00
4. Support, Maintenance, Traveling Expenses, and Bond Premiums.	600,000.00	Total Salaries..	\$ 150,000.00
5. General Repairs and Improvements and Equipment	50,000.00	4. Support, Maintenance, Bond Premiums, Transportation of Indigent Pupils, and Traveling Expenses ..	\$ 75,000.00
Grand Total— Weaver H. Baker Memorial Tuberculosis Sanatorium	\$ 1,200,000.00	5. General Repairs and Improvements and Equipment	50,000.00
State Orphans' Home, Corsicana Salaries		Grand Total— Texas Blind, Deaf, and Orphan School..	\$ 275,000.00
1. Superintendent ...	\$ 5,004.00	Texas School for the Blind, Austin Salaries	
2. Business Manager.	3,600.00	1. Superintendent ...	\$ 5,004.00
3. Salaries	181,396.00	2. Business Manager.	3,600.00
Total Salaries..	\$ 190,000.00	3. Salaries	166,396.00
4. Support, Maintenance, Traveling Expenses, Bond Premiums, Eye, Ear, Nose, and Throat Treatment	200,000.00	Total Salaries..	\$ 175,000.00
5. General Repairs and Improvements and Equipment	75,000.00	4. Support, Maintenance, Traveling Expenses, and Bond Premiums	\$ 75,000.00
Grand Total— State Orphans' Home.	\$ 465,000.00	5. General Repairs and Improvements and Equipment	25,000.00
Waco State Home, Waco Salaries		Grand Total— Texas School for the Blind	\$ 275,000.00
1. Superintendent ...	\$ 5,004.00	Texas School for the Deaf, Austin Salaries	
2. Business Manager..	3,600.00	1. Superintendent ...	\$ 5,004.00
3. Salaries	126,396.00	2. Business Manager.	3,600.00
Total Salaries..	\$ 135,000.00	3. Salaries	366,396.00
		Total Salaries..	\$ 375,000.00

For Year Ending Aug. 31, 1951		School for Cerebral Palsied For Year Ending Aug. 31, 1951	
4. Support, Maintenance, Traveling Expenses, Bond Premiums, and Scholarships to Gallaudet College	\$ 175,000.00	Salaries	
5. General Repairs and Improvements and Equipment	75,000.00	1. Salaries, Support and Maintenance, General Repairs and Improvements and Equipment, Construction of Buildings including Acquisition of Necessary Real Estate and Other Necessary Expenses ..	\$ 500,000.00
Grand Total— Texas School for the Deaf. \$	625,000.00	Grand Total— School for Cerebral Palsied	\$ 500,000.00
Alabama-Coushatti Indian Agency, Livingston		Placement Division Board for Texas State Hospitals and Special Schools	
Salaries		Salaries	
1. Superintendent ... \$	4,120.00	1. Sociological Director	\$ 4,200.00
2. Salaries	13,380.00	2. Assistant Director	3,900.00
Total Salaries.. \$	17,500.00	3. Secretary	2,400.00
3. Support, Maintenance, Traveling Expenses, Bond Premiums, and Mortuary Expense	\$ 12,000.00	Total Salaries.. \$	10,500.00
4. General Repairs and Improvements and Equipment	5,000.00	4. Travel	\$ 2,000.00
Grand Total— Alabama-Coushatti Indian Agency	\$ 34,500.00	Grand Total— Placement Division	\$ 12,500.00
Confederate Woman's Home, Austin		Thoracic Surgery Teams	
Salaries		Salaries	
1. Superintendent ... \$	4,008.00	1. Salaries, Traveling Expenses, and Necessary Supplies for Thoracic Surgeons to be employed by the Board for Texas State Hospitals and Special Schools to visit State Tuberculosis Sanatoriums. \$	36,000.00
2. Business Manager.	2,280.00	Grand Total— Thoracic Surgery Teams .	\$ 36,000.00
3. Salaries	39,960.00	For the activation of a central purchasing agency in the State Department of Public Welfare (as authorized in Article 695 C, Section 7, Vernon's Civil Statutes). Said central purchasing agency to apply for and supervise the distribution of surplus food commodities as same are made avail-	
Total Salaries.. \$	46,248.00		
4. Support and Maintenance, Bond Premiums, Eye, Ear, Nose and Throat Treatment, Glasses on Prescription, Grave Markers, and Traveling Expenses	\$ 39,752.00		
Grand Total— Confederate Woman's Home	\$ 86,000.00		

able by the Federal Government or its agencies. Said surplus commodities to be used by any agency or institution mentioned in this bill or any other eligible tax-supported agency in this State.

For Year Ending
Aug. 31, 1951

Salaries	
1. Director of Commodity Distribution . \$	4,800.00
2. Secretary to Director	2,200.00
3. Allocations Supervisor	3,600.00
4. Senior Accountant	3,000.00
5. Stenographer	2,000.00
Total Salaries . \$	15,600.00
Miscellaneous	
6. Travel	\$ 3,000.00
7. Communications, Stamps, Telephone, etc.	1,000.00
8. Office Supplies ...	300.00
9. Rent at \$300 per month	3,600.00
Total Miscellaneous	\$ 7,900.00
Grand Total.... \$	23,500.00

Recapitulation of Institutions Governed by Board for State Hospitals and Special Schools Budget

1. Austin State Hospital	\$ 1,900,000.00
2. Big Spring State Hospital	500,000.00
3. Rusk State Hospital	1,550,000.00
4. San Antonio State Hospital	1,900,000.00
5. Terrell State Hospital	1,650,000.00
6. Wichita Falls State Hospital	1,900,000.00
7. Abilene State Hospital	1,075,000.00
8. Austin State School	1,475,000.00
9. Austin State School Farm Colony	325,000.00
10. Mexia State School and Home	800,000.00
11. Texas Confederate Home for Men.	525,000.00
12. State Tuberculosis Sanatorium ...	1,050,000.00

For Year Ending
Aug. 31, 1951

13. East Texas Tuberculosis Sanatorium	800,000.00
14. Weaver H. Baker Memorial Tuberculosis Sanatorium ...	1,200,000.00
15. State Orphans' Home	465,000.00
16. Waco State Home	300,000.00
17. Texas Blind, Deaf, and Orphan School	275,000.00
18. Texas School for the Blind	275,000.00
19. Texas School for the Deaf	625,000.00
20. Alabama-Coushatti Indian Agency.	34,500.00
21. Confederate Woman's Home	86,000.00
22. School for Cerebral Palsied ...	500,000.00
23. Placement Division	12,500.00
24. Thoracic Surgery Teams	36,000.00

**Grand Total—
State Hospitals
and Special
Schools** \$ 19,259,000.00

**State School Delinquent Colored Girls
Brady Texas**

Salaries	
1. Superintendent ... \$	4,000.00
2. Storekeeper-Accountant	3,000.00
3. Salaries	65,580.00
Total Salaries . \$	72,580.00
4. Support, Maintenance, Bond Premiums, Medical and Surgical Operations, Traveling Expenses, Discharge and Transportation . \$	72,000.00
5. General Repairs and Improvements ..	8,000.00

**Grand Total—
State School
Delinquent
Colored Girls \$** 152,580.00

**Gainesville State School for Girls
Gainesville, Texas**

Salaries	
1. Superintendent .. \$	5,004.00

For Year Ending Aug. 31, 1951		For Year Ending Aug. 31, 1951	
2. Storekeeper-Accountant	3,000.00	3. Gatesville State School for Boys	478,704.00
3. Salaries	98,340.00		
Total Salaries . \$	106,344.00	Grand Total—	
4. Support, Maintenance, Bond Premiums, Medical and Surgical Operations, Traveling Expenses, Discharge and Transportation . \$	80,000.00	Youth Development Council	\$ 888,128.00
5. General Repairs and Improvements ..	25,500.00	Grand Total—	
6. Laundry Equipment and Machinery for Refrigeration Building	33,000.00	State Hospitals and Special Schools	19,259,000.00
7. Enlarge Warehouse	12,000.00	Grand Total—	
Grand Total—		Youth Development Council	888,128.00
Gainesville State School for Girls \$	256,844.00	Grand Total—	
Gatesville State School for Boys		Surplus Commodity Distribution .	23,500.00
Gatesville, Texas		Grand Total ..	\$ 20,170,628.00
Salaries		General Provisions	
1. Superintendent .. \$	5,004.00	Sec. 2. Board and/or Council to Supervise: The supervision of and responsibility for the proper administration of the several schools, hospitals and other institutions enumerated herein is vested in the Board for Texas State Hospitals and Special Schools (hereinafter referred to as the Board) and the Executive Director of said Board and the State Youth Development Council (hereinafter referred to as Council) and the Board and/or Council shall have full authority to promulgate rules and regulations not inconsistent with existing statutes to govern the operation of said schools, hospitals and other institutions.	
2. Storekeeper-Accountant	3,000.00	Sec. 3. Annual Reports: (a) A report shall be made annually by the Superintendent or head of each institution and filed with the Board and/or Council before November first after the close of each fiscal year, giving an itemized statement of all moneys expended and the particular appropriation or fund from which said money was expended, a statement showing the full amount of money received from all sources and any balances remaining, and such other information as the Board and/or Council may require.	
3. Salaries	230,700.00	(b) The head of each institution shall keep a record of the absences of the various employees, the reasons therefor, whether from sickness, vacation or leave of absence, and incor-	
Total Salaries . \$	238,704.00		
4. Support, Maintenance, Bond Premiums, Medical and Surgical Operations, Traveling Expenses, Discharge and Transportation . \$	200,000.00		
5. General Repairs and Improvements ..	40,000.00		
Grand Total—			
Gatesville State School for Boys	\$ 478,704.00		
Recapitulation of Institutions Governed by Youth Development Council			
1. State School Delinquent Colored Girls .. \$	152,580.00		
2. Gainesville State School for Girls	256,844.00		

porate this information in the institution's annual report made to the Board and/or Council.

Sec. 4. Printing and Stationery: All printing and stationery shall be purchased through the Board of Control and shall be confined to such articles and qualities as selected and contracted for by said Board of Control except certain printing provided by law to be done by several of the State institutions. No embossed or engraved printing and stationery shall be purchased.

Sec. 5. Postage Stamps: None of the money appropriated herein for postage stamps shall be spent except on warrants or checks made payable to a United States Post Office and the warrant or check shall be endorsed by the Postmaster from whom the purchase is made. If the expenditures for postage stamps at any institution exceed Five Hundred (\$500.00) Dollars for any one (1) year, the institution shall install a postage meter machine.

Sec. 6. The Board is hereby authorized to provide transportation to and from employment, for employees where such transportation is not available in the locality of the institutions governed by the Board for Texas State Hospitals and Special Schools.

Sec. 7. Vacation Allowances: Vacation allowances shall be set by the Board and/or Council for officers and employees who serve on a twelve (12) months basis. These employees shall, without deduction in salary, receive not exceeding one (1) working day's vacation for each month of service, such vacation period to be mutually agreed upon by the head of each institution with his employees; and any unused vacation time in any one (1) State fiscal year may be used only during the following fiscal year.

Sec. 8. Traveling Expenses: (a) Reimbursement for expenses incurred during travel on State business shall be made under rules and regulations promulgated by the Board and/or Council; provided, however, that in no case shall allowances for mileage on personal cars and per diem allowances exceed the maximums allowed in the departmental appropriation bill; and further provided, that reimbursement shall not be allowed for items not customarily allowed by the Comptroller of Public Accounts.

(b) All railroad and other transportation shall be paid in cash and properly listed in expense accounts

rendered. Tax exemption certificates for transportation shall be used in all cases where the State is exempt from the payment of government tax under Federal provisions, and such State official or employee shall be required to obtain such tax exemption certificates from transportation company before incurring the expense and shall not be entitled to a refund of same on his expense account. No moneys herein appropriated shall be spent for the purchase of a passenger car having a wheelbase in excess of one hundred seventeen (117) inches; provided, however, that if passenger cars of longer wheelbase are offered at lower prices, the Board of Control may purchase same.

(c) It is hereby declared unlawful for any person authorized to use a State-owned automobile in connection with any business of the State to use such automobile in connection with any campaign in which such institution is directly interested, or in behalf of the campaign for re-election of any head of any department, and/or in any other manner, time or place than when such automobile is being used in the interest of and for the purpose of carrying out State business. Any person violating this section, shall upon final conviction, be subject to a fine of not less than Fifty (\$50.00) Dollars nor more than Two Hundred (\$200.00) Dollars. In the event such use of such automobile is being made with the knowledge of the head of any institution having charge of such automobile, then such head of such institution shall also be liable to punishment in a fine of not more than Two Hundred (\$200.00) Dollars. Any court of competent jurisdiction in the county where this law is violated shall have jurisdiction to try such case.

Sec. 9. Additional Employees Compensation: When a necessity exists for additional help at any of the institutions the Board and/or Council shall first give to the Superintendent its written approval and consent for such employment, and such help may be paid out of any institutional local funds, or out of any other non-salary appropriations. When any additional employees, other than those for which specific salary appropriations have herein been made, are employed, and are to be paid out of said non-salary appropriations or any other funds, such employees shall not be paid or granted larger salaries and emoluments than those provided in the spe-

cifically appropriated salaries or emoluments for similar positions within such institutions; and in the event there are no similar positions within such institution, then such additional employees shall not be paid larger salaries and emoluments than those provided for similar positions in other State institutions, departments or agencies. In the event laborers, skilled laborers and mechanics cannot be obtained at the above mentioned salary scale, then the heads of such institutions may pay for temporary employment only not exceeding the prevailing wage scale paid in the localities where the temporary service is to be rendered. No additional employees may be hired without the written consent of the Board and/or Council.

Sec. 10. Audits: None of the appropriations herein made shall be used for employing any firm, corporation or person, excepting persons regularly and continuously employed by the institution or the Board and/or Council, to audit said institutions; provided, however, that if in the judgment of the head or managing officers of any of said institutions additional auditing is necessary, and the State Auditor shall not have sufficient funds in his appropriation to make such audits, then the head or managing officers of any of said institutions may direct the State Comptroller to transfer in lump sum and add to the appropriation made for the State Auditor the amount necessary for the State Auditor to make such audits.

Sec. 11. Perquisites of Employees: (a) Under written direction of the Board and/or Council, institutional employees may receive such perquisites as the Board and/or Council may by rule, and regulation prescribe; provided, however, that prior to granting or allowing such perquisites or emoluments to any medical or supervisory personnel, which will require new or additional remodeling or construction, approval must be obtained in writing from the Legislative Budget Committee. A copy of such approval, when obtained, shall be filed with the Comptroller of Public Accounts and no expenditure of any funds herein appropriated or any local funds shall be made without such prior approval.

(b) To prevent inequalities in salaries to those employees not receiving any or all of such perquisites it is provided that the Superintendent, upon the written approval of the Board and/or Council may adjust employees' salaries out of non-salary appropria-

tions by an amount not exceeding Fifty (\$50.00) Dollars per month each. It is specifically required however that no employee receiving an additional allowance as provided in this subsection may receive any perquisites at any institution unless he reimburses said institution for such perquisites at rates prescribed by the rules and regulations of the Board and/or Council. It is further specifically required that the Superintendent with the approval of the Board and/or Council shall specify those employees who shall receive full perquisites and those who shall receive the additional salary allowance.

Sec. 12. Salaries: (a) All annual salaries shall be paid in twelve (12) equal monthly installments except as otherwise provided by the Board and/or Council.

(b) The number of employees at each institution, and salary of each, shall be fixed by the Board and/or Council. No position shall be supplemented or be paid more than a specific amount as set by the Board and/or Council out of any other funds belonging to said institution or the State; provided that this language shall not be construed to prevent promotion or the transfer of one employee from his position to another position which provides a different salary, but it is specifically made the duty of the Superintendent to transfer employees to other positions when it is possible to secure more efficiency. No salary shall be paid to any person unless such person actually discharges assigned duties. Provided that any vocational instruction position at the institutions conducting schools may be partly paid or supplemented in amounts approved in writing by the Board and/or Council out of Federal or State appropriations or allocations made through educational agencies. It is further provided that employees who are required by law to render services to wards of the State may charge for services rendered to others and retain such portion of said charges as may be allowed by rules and regulations of the Board and/or Council.

(c) A person qualified to fill the position of "Psychiatrist" shall be a skilled physician authorized to practice medicine in Texas, and shall have not less than three (3) years experience in the treatment of mental diseases.

(d) The Board and/or Council is hereby authorized to employ, on a

part-time basis from local funds, outstanding and recognized authorities in the fields of medicine, administration, therapy, psychiatry, nursing, and education. The Board and/or Council is also authorized to employ under the same conditions, authorities in particular fields of abnormal education. Should the Board and/or Council find it feasible to employ a person to serve two or more schools, the salary may be paid from the funds appropriated to each institution on a pro-rata basis.

Sec. 13. Leaves for Course of Study: The Board and/or Council may allow physicians, registered nurses, and other professional employees a reasonable time without loss of salary to attend recognized schools and clinics conducted by approved schools and associations.

Sec. 14. Revolving Fund and Institutional Receipts: (a) Each of said institutions is hereby allowed a revolving or petty cash expense fund for the purpose of making emergency payments, purchasing perishable products, operating small stores, or other necessary activities. The amounts of such funds shall be fixed by rules and regulations of the Board and/or Council.

(b) Surplus personal property belonging to any of the institutions may be sold or disposed of with the consent of the Board and/or Council and in the manner now provided by law; and all income from such sales and any other sources shall become and is hereby appropriated as a maintenance or contingent fund to be expended under the direction and upon the approval of the Board and/or Council for any necessary purpose. A complete statement of all expenditures from such local funds shall be made in the annual reports of said institutions. Any balances remaining to the credit of any of said local funds at said institutions or in the State Treasury at the end of the fiscal year are hereby re-appropriated for the above mentioned purposes for each year of the biennium.

(c) Upon the approval of the Board, any institution may make properly due refunds out of local funds of any advance payments made on behalf of pay-patients. Refunds to patients for unused advance payments may also be made out of revolving petty cash funds if directed by the Board. There is hereby appropriated to the Board and/or Council out of any institutional local funds such amounts as may

be necessary for traveling and other expenses of the Board and/or Council. Provided, however, that if any salaries are paid under this section, the amounts paid shall not exceed the remuneration fixed for similar services in other State institutions.

(d) The various institutions named herein, including the Austin State Hospital Creamery, and the State Dairy and Hog Farm, are hereby authorized to sell to other institutions any farm, garden or dairy products at prices set by the Board and/or Council. Receipts from such sales shall be deposited to the credit of the selling institution's local fund. Any funds transferred from one institution to another by virtue of the provisions of Article 666, Revised Civil Statutes of 1925, are hereby appropriated to the support and maintenance appropriation of the institution to which the Comptroller credits the funds.

Sec. 15. United States Aid: (a) The Board and/or Council, within its discretion, may take advantage of and accept any aid extended by the Federal Government for buildings, improvements and repairs at the institutions; provided, however, that in taking advantage of or accepting any aid extended by the Federal Government, the Board and/or Council shall not incur any indebtedness which would necessitate a supplemental or additional appropriation out of the General Revenue Fund of this State; and provided further, that in taking advantage of and accepting any aid extended by the Federal Government the Board and/or Council shall not deplete any of the funds herein appropriated to the several institutions to an amount which would necessitate a supplemental or additional appropriation out of the General Revenue Fund of this State to replenish said fund or funds. Any funds received by the Board and/or Council from the United States Government are hereby appropriated to the purposes for which the grant was made.

(b) The Board and/or Council is hereby authorized to negotiate purchases of commodities and supplies of any kind or character whatsoever with the duly authorized agencies of the Federal Government; provided, however, that such item, or items, so purchased will be obtained at a price not to exceed the prevailing market value thereof, and if there be no value, then at the real or intrinsic value; and it is further provided that the State Board of Control is authorized

to waive the requirements of bidder's bond and performance bonds otherwise required, in dealing with the duly authorized representatives of the Federal Government.

Sec. 16. Alabama and Coushatti Indians: (a) The expenditure of all money herein appropriated for the welfare of the Alabama and Coushatti Indians in Polk County, and all employees therefor, shall be under the supervision and appointment of the Board.

(b) The Board is hereby authorized to accept gift deeds, approved as to form by the Attorney General, for land adjoining or near the Alabama and Coushatti Indian Lands in Polk County, Texas, in which conveyances the owner or owners may desire to retain timber rights for not more than twelve (12) years and to retain oil and mineral rights permanently. The Board is also authorized to cooperate with the Federal Government on any Federal projects for improving the educational and economic condition of said Indians.

Sec. 17. Transfer of Appropriations: (a) The Superintendent of any institution, under the direction and upon the written approval of the Board and/or Council, shall be authorized to make such changes and substitutions of any amounts appropriated for maintenance, miscellaneous items, general repairs and improvements, excepting new buildings, as may be found necessary.

(b) The Board and/or Council is hereby authorized to transfer any money in any funds appropriated, of any institution to any other institution where such transferred fund, or funds, are not needed in the institution from which either or all of said fund, or funds, may be transferred. The State Comptroller of Public Accounts is hereby directed to make transfer of the fund, or funds, from either or all of the aforesaid accounts from one institution to another, upon written request therefor, by the Board and/or Council. It is further provided that any funds transferred under the provisions of this subsection may be used for any of the purposes set out in Section 17 (c) of this Act, subject to approval of the Legislative Budget Committee.

(c) There is hereby appropriated to the Board and/or Council any unexpended balance in any fund or item appropriated to any institution remaining at the end of the fiscal year ending August 31, 1950. Subject to the

prior written approval of the Legislative Budget Committee these unexpended balances may be expended for the following purposes:

1. For the repairing, remodeling and/or renovating of any hospital, ward building, dormitory, or any other building at any institution;

2. For the replacement and installation of any plumbing fixtures, electrical wiring and fixtures, heating installations, and any like equipment at any institution;

3. For construction of any new buildings, or building, and purchase of equipment and furniture necessary to place same in use at any institution, or at any other desirable site, where sufficient lands can be obtained without cost to the State;

4. For the support and maintenance and for operation and use of any institution which shall include the employment of sufficient personnel to operate and maintain said institution. Salaries and emoluments of said employees shall not exceed those paid and granted in similar institutions for similar work;

5. For the purpose of converting to State service, any other facilities in the State of Texas which may be acquired by the Board and/or Council. This is to include the cost of any repairs or improvements, negotiations and organizational expenses, on the part of the Board and/or Council, necessary for the conversion of said facilities, the cost of support, operation and maintenance thereof, and the cost of employing sufficient personnel in connection therewith. Salaries and emoluments of such employees are not to exceed those paid and granted in similar institutions for the same or similar work.

Sec. 18. Skilled Positions: (a) To properly maintain essential services when qualified full-time employees are appropriated for but cannot be obtained, the Board and/or Council is hereby authorized to use part-time employees temporarily in skilled positions.

(b) When expert consultants are needed they may be paid from appropriated salary items for physicians and/or psychiatrists.

(c) Thoracic and other surgeons may be paid on a fee basis or full-time from appropriated salary items.

Sec. 19. Emoluments of Board Employees: In recognition of salaries paid within institutions and in order to attract and retain qualified super-

visory personnel on the staff of the Board, the Board is hereby authorized to allow emoluments to such employees out of the funds and facilities of one or more of the institutions in Travis County; provided, however, that prior to granting or allowing such emoluments to any medical or supervisory personnel, which will require new or additional remodeling or construction, approval must be obtained in writing from the Legislative Budget Committee. A copy of such approval, when obtained, shall be filed with the Comptroller of Public Accounts and no expenditure of any funds herein appropriated or any local funds shall be made without such prior approval.

Sec. 20. Schools: (a) In order to maintain scholastic standards comparable to the public school in the area where the State institution is located, and in order that the children of the institutions may have equal advantages in the quality of teaching as do the children of public schools, the Board and/or Council is hereby authorized to pay teachers from the appropriated funds of this bill on a basis equal to that being paid in the city schools in or near where the particular institution is located. This rate of compensation shall include such rules and regulations on length of teaching service, educational accomplishments, as apply in the local public school system. Where the State Department of Education makes provisions for increased salaries anywhere in the State to teachers in the fields of special education, the Board and/or Council may authorize payment of the same rates to the teachers of special education students in the schools named herein. If the appropriation for teachers is not sufficient, the Board and/or Council may use any other funds under its jurisdiction.

(b) Inasmuch as the schools named herein operate on 9, 10, 11, and 12 months basis, the above provisions shall apply to the nine or ten-month term, based on local school regulations. The Board and/or Council shall exercise its authority and best judgment in the operation of the summer schools.

(c) If the teacher takes advantage of any of the emoluments or services of the institution such as room, board, or laundry, such services will be charged for (or deducted from the salary). The rates for such emoluments shall be fair and based on costs

established by the accountant of the institution, subject to the approval of the Superintendent and the Board and/or Council.

(d) The Superintendent of the affected institution shall determine, with the approval of the Board and/or Council, whether the principal of the school shall be required to live on the grounds of said institution.

Sec. 21. Deportation of Aliens: The cost of deportation of any alien may be paid by the institution from any appropriated non-salary item.

Sec. 22. Boys and/or Girls State: The Board is authorized to allow the organization known as Boys and/or Girls State the use of the facilities of the physical plant of any school for which appropriations are made in this Act. Provided, however, that no State funds may be used in the operation of said school while Boys and/or Girls State is in session, and further provided that said session shall not interfere with the regular operation of the school.

Sec. 23. Fat Stock Shows: Students at any school for which appropriations are made in this Act may raise livestock for the purpose of entering said livestock in livestock exhibitions; provided, however, that the State shall be reimbursed for the cost of raising said livestock upon the sale thereof.

Sec. 24. Kerrville State Sanatorium: Should the Board use the properties located at Kerrville, which formerly was known as the State Tuberculosis Sanatorium for Negroes, for any other purpose, then any of the funds appropriated herein, including local funds, may be transferred to said institution for salaries, bond premiums, support and maintenance, and other necessary expenses.

Sec. 25. Quarterly Budgets: The Legislative Budget Committee is hereby authorized to require quarterly budget approval prior to the expenditure of any of the funds appropriated to the institutions in this Act. Such requirement when exercised shall be made by filing written notice with the State Comptroller and written direction with the institution and the Board and/or Council. After such notice, no moneys herein appropriated shall be expended until such budget approval shall have been secured.

Sec. 26. If any section, sentence, clause, or part of this Act shall be held invalid by any court of competent jurisdiction, such holding shall not alter, change, or affect the re-

maining portions hereof, and it is hereby declared to be the intention of the Legislature to enact this said Act, and each sentence, clause, or part hereof independently and irrespectively of the invalidity of any part as declared unconstitutional or invalid.

Sec. 27. Emergency Clause: The fact that no appropriations exist for the fiscal year ending August 31, 1951 to provide for the salaries, support, maintenance, and operation of the Texas State Hospitals and Special Schools, and the fact that the continued maintenance and operation of said State Hospitals and Special Schools after August 31, 1950 depends on these appropriations being available, create an emergency and an imperative public necessity, such emergency and necessity requiring the appropriation notwithstanding the fact that it is in excess of such cash and anticipated revenue, that the Constitutional Rule requiring bills to be read on three several days in each House be, and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

Senator Moffett offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to H. B. No. 1, Page 14, by striking out all of the words and figures relating to activating the central agency in the Department of Public Welfare and inserting in lieu thereof the following:

"For the activation of a central distributing agency in the State Department of Public Welfare (as authorized in Article 695 C, Section 7, Vernon's Civil Statutes). Said central distributing agency to apply for and supervise the distribution of surplus food commodities as same are made available by the Federal Government or its agencies. Said surplus commodities to be used by any agency or institution mentioned in this bill or any other eligible agency in this State.

Director of Commodity	
Distribution	\$ 5,800.00
Assistant Field Director...	4,600.00
Secretary to Director.....	2,352.00
Allocations Supervisor	3,900.00
Senior Accountant	3,720.00

Stenographers, 3 at	
\$2,184	6,552.00
Total Salaries	\$26,924.00
Travel	\$ 5,500.00
Communications, Stamps,	
Telephone, etc.	1,850.00
Office Supplies	600.00
Rent at \$250 per month...	3,000.00
Office Equipment	2,000.00
Total	\$12,950.00
Grand Total	\$39,874.00"

Senator Kelly of Tarrant raised a point of order against the inclusion in the bill of the matter contained in the amendment to the committee amendment or that contained on page 16 of the committee amendment itself, on the ground that said matter is not germane and relates to a subject not included in the proclamation of the Governor convening the present special session.

The President pro tempore overruled the point of order.

Senator Hudson moved to table the amendment to the committee amendment.

The motion to table was lost by the following vote:

Yeas—11

Aikin	Kelly of Tarrant
Ashley	Martin
Bell	McDonald
Bullock	Nokes
Hardeman	Weinert
Hudson	

Nays—15

Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hazlewood	Proffer
Jones	Shofner
Kelley of Hidalgo	Tynan
Lane	Vick
Lock	

Absent

Carney	Moore
Harris	Strauss

Absent—Excused

Bracewell

Question recurring on the amendment to the committee amendment, it was adopted by the following vote:

Yeas—16

Bell	Colson
------	--------

Corbin	Moffett
Cousins	Morris
Hazlewood	Phillips
Jones	Proffer
Kelley of Hidalgo	Shofner
Lane	Tynan
Lock	Vick

Nays—10

Aikin	Kelly of Tarrant
Ashley	Martin
Bullock	McDonald
Hardeman	Nokes
Hudson	Weinert

Absent

Carney	Moore
Harris	Strauss

Absent—Excused

Bracewell

Senator Martin offered the following amendment to the committee amendment:

Amend the amendment to H. B. No. 1 by striking out the following words in Section 27: "such emergency and necessity requiring the appropriation notwithstanding the fact that it is in excess of such cash and anticipated revenue,"

On motion of Senator Lane, the amendment to the committee amendment was tabled.

Question recurring on the committee amendment as amended, it was adopted.

On motion of Senator Lane, and by unanimous consent, the caption of the bill was amended to conform to the body of the bill as amended.

H. B. No. 1 was passed to third reading by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Nokes
Hardeman	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney	Moore
Harris	Strauss

Absent—Excused

Bracewell

House Bill 1 on Third Reading

The President pro tempore then laid H. B. No. 1 before the Senate on its third reading and final passage.

The bill was read third time and passed by the following vote:

Yeas—26

Aikin	Lane
Ashley	Lock
Bell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Nokes
Hardeman	Phillips
Hazlewood	Proffer
Hudson	Shofner
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney	Moore
Harris	Strauss

Absent—Excused

Bracewell

Senate Resolution 28

Senator Hudson offered the following resolution:

Whereas, Eighteen members of the Civics Class of Rock Springs, Texas, are visiting in Austin and are now honoring this body by their presence in the gallery, accompanied by Mr. Cecil Allen, Superintendent, Mrs. Ruth Kirkland, Teacher, and their patrons: Mr. and Mrs. W. G. Brown, Mrs. J. E. Tatum, Mrs. Lowell Hankins, Mrs. Alton Miller and Mrs. Gus Fleischer; therefore, be it

Resolved, That the Senate welcome said group, compliment them on their interest in their government and furnish each member of the group with a copy of this resolution.

The resolution was read and was adopted.

Senate Resolution 29

Senator Hardeman offered the following resolution:

Whereas, The Junior Civics Class of the Kimble County High School at Junction, Texas, together with their sponsors, are visitors in the Capitol today, and

Whereas, These young citizens are interested in learning of the operations of their government by personal observation, and

Whereas, It is the desire of the Senate to recognize the presence of these fine boys and girls and their sponsors, and to welcome them to the Capitol; now, therefore, be it

Resolved, By the Senate, that the presence of these young citizens be recognized and that they be extended a welcome to the Capitol and the Senate and that appropriate copies of this resolution be furnished the class sponsors.

The resolution was read and was adopted.

Senate Resolution 30

Senator Weinert offered the following resolution:

Whereas, The Senior Civics Class of sixty-five students of San Marcos High School are visitors in the Capitol building, and

Whereas, The above referred to Senior Civics Class has shown their desire to learn of the functions of their State Government, and

Whereas, The Senate of the State of Texas appreciates the interest shown by these students and their sponsor, Miss Wildman, by making the trip to Austin; now, therefore, be it

Resolved, By the Senate of the State of Texas, that the Senate express its appreciation to these students and Miss Wildman for their visit, and that a copy of this resolution under seal of the Senate, be forwarded to the Senior Civics Class of the San Marcos High School as evidence of this recognition.

The resolution was read and was adopted.

(Senator Moffett in the Chair.)

RECESS

On motion of Senator Hardeman, the Senate at 12:00 o'clock m. took recess until 3 o'clock p.m. today.

AFTERNOON SESSION

The Senate met at 3:00 o'clock p.m. and was called to order by the President pro tempore.

Senate Resolution 32

Senator Phillips offered the following resolution:

Whereas, William H. Stewart of Galveston, district judge for twenty-seven years, died on the 26th day of March, 1903, at the age of 84 years and 10 months, the Texas Legislature being in session at the time, the House on the very same day passed appropriate and laudatory resolutions, in memoriam, bearing on the accomplishments, character and career of the distinguished dead; and

Whereas, For sixty-three years Judge Stewart had been one of the most active, devoted, prominent and useful citizens of the State, having served in the 2nd, 3rd and 8th Legislatures, a defender of the Republic and later of the Confederacy, a signer of the Ordinance of Secession and a member of the Constitutional Convention of 1875, in which he authored two justly famous resolutions: One for the establishment of a public taxing plan for the support of public common schools; the other for setting aside three million acres of public lands to be later disposed of and the proceeds thereof to be devoted to erecting the State Capitol buildings; and

Whereas, A life-sized portrait of William H. Stewart, done in oil by the celebrated portrait painter Dario R. D'Oporto, has been presented to the State to be hung in the State Capitol building; now, therefore, be it

Resolved, By the Senate of Texas, that as a token of admiration and esteem in which the memory of this illustrious Texas pioneer and patriot is held by all Texans, that his portrait be hung in the Senate Chamber as a fitting climax to his glorious career, and that the following verse be dedicated to his memory as the most fitting words to express our thoughts of real men of the type of Mr. Stewart:

Lives of great men all remind us
We can make our lives sublime;
And departing, leave behind us
Footprints on the sands of time.

The resolution was read and was adopted.

At Ease

On motion of Senator Hardeman, the Senate at 3:05 o'clock p.m. agreed to stand at ease subject to the call of the Chair.

The President pro tempore called the Senate to order at 3:45 o'clock p.m.

Senate Resolution 33

Senator Ashley offered the following resolution:

Whereas, We are honored today to have in the gallery the Cub Scouts of Den Five, Pack Nine, Brykerwood, Austin, Texas, together with their Den Mother, Mrs. Jeff Thompson, Jr., and Mrs. E. J. Hood and Mrs. Alton C. White; and

Whereas, These Cub Scouts and guests are on an educational tour of the Capitol Building; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate; that they be extended the courtesies of the floor for the day; and that each member of this group be furnished with a copy of this resolution.

The resolution was read and was adopted.

Senate Resolution 34

Senator Hudson offered the following resolution:

Whereas, Honorable H. L. Winfield of Fort Stockton, is in the Capitol; and

Whereas, The distinguished citizen is a former Member of the Senate of the State of Texas; and

Whereas, The Senate will be glad to welcome Senator Winfield; now therefore, be it

Resolved, That he be invited to address the Senate and extended the privilege of the floor for today.

The resolution was read and was adopted.

In accordance with the provisions of the above resolution, the President pro tempore appointed Senators Vick, Harris and Hudson as a committee to escort Senator Winfield to the President's rostrum.

The President pro tempore then presented Senator Winfield who addressed the Senate and thanked the

members of the Senate for the honor conferred upon him.

Senate Resolution 35

Senator Lock by unanimous consent, offered the following resolution:

Whereas, Offices of the State Department of Education are now located on all four floors of the Capitol and in several other buildings other than the Capitol; and

Whereas, It would be more convenient for the school people of Texas if all the State administrative educational agencies were located in one building; and

Whereas, Such an arrangement would be in the interest of efficiency, in that the activities of each Division could be coordinated with the other Divisions in the Department; and

Whereas, It would be in the interest of economy to group all of the Divisions together in one building; now, therefore, be it

Resolved, That the Board of Control be requested to consider the possibility of providing the necessary space in one building for the State Department of Education.

The resolution was read and was adopted.

Senate Concurrent Resolution 10

Senator Vick by unanimous consent, offered the following resolution:

S. C. R. No. 10, Granting each House permission to adjourn from Wednesday, February 15, 1950 until Monday, February 20, 1950.

Resolved, By the Senate of Texas, the House of Representatives concurring, that each body be granted permission to adjourn from Wednesday, February 15, 1950 until Monday, February 20, 1950.

The resolution was read.

On motion of Senator Vick and by unanimous consent, the resolution was considered immediately and was adopted.

Recess

On motion of Senator Aikin and by unanimous consent, the Senate at 4:50 o'clock a.m., took recess to 7:00 o'clock p.m. today.

After Recess

The Senate met at 7:00 o'clock p.m.

and was called to order by Senator Aikin.

At Ease

At 7:05 o'clock p.m., the Presiding Officer announced that the Senate would stand at ease subject to the call of the Chair.

The Presiding Officer called the Senate to order at 7:20 o'clock p.m. today.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 15, 1950.

Hon. Grady Hazlewood, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House refused to concur in Senate amendments to House Bill No. 1 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

The following have been appointed on the part of the House:

Kirkpatrick, Rampy, Smith of Lubbock, Hanna, McClellan.

H. B. No. 3, A bill to be entitled "An Act levying and providing for the collection of certain taxes in addition to those now levied by law; requiring reports by taxpayers; providing savings and severability

clauses; providing effective dates and expiration dates for this Act and portions thereof; fixing liens for taxes; preserving such lien and debt for taxes at the expiration of any part hereof; requiring withholding of certain taxes by purchasers; providing for the combining of reports; authorizing the collecting officer, agency or department to make certain rules and regulations; providing governing rules should there be conflicts in fines, penalties, forfeitures and penal offenses; creating the State Hospital Fund and defining its use; allocating taxes collected hereunder (with certain exceptions) to such Fund; and declaring an emergency."

S. C. R. No. 10, Granting permission for the Legislature to adjourn from Wednesday, February 15, until Monday, February 20, etc.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

House Bill on First Reading

The following bill, received from the House, was laid before the Senate, read and referred to the committee indicated:

H. B. No. 3, To the Committee on State Affairs.

Recess

On motion of Senator Hardeman, the Senate at 7:25 o'clock p.m., took recess until 10:00 o'clock a.m. tomorrow.

In Memory of Herman C. Pipkin

(Senate Resolution 31)

Senator Hazlewood offered the following resolution:

Whereas, With the death of Herman C. Pipkin, a member of the law firm of Adkins, Madden, and Pipkin, on February 10, 1949, in the City of Amarillo, a chapter in the life of one of the able, stalwart men of Texas was closed. With the Poet Bliss Carman, in *Passing Strange*, it may be said that

Without a hail at parting,
Or any colors shown,
My friend has gone aboard her
For the Isles of the Unknown

With his passing, in the words of John Newton

This much, and this is all, we know,
They are supremely blest,
Have done with sin, and care, and woe,
And with their Saviour rest.

Whereas, Mr. Pipkin, who was born on January 28, 1886, in Fort Deposit, Texas, having served as President of the Texas Bar Association, President of the Amarillo Bar Association for two terms, Director both of the Texas Bar and Amarillo Bar, and as a member of the American Bar Association. He was a charter member and past president of the Amarillo Rotary Club. Also, he served as president of the Texas University Ex-students' Association and a director of the Executive Council of the Ex-students' Association. He was a director of the American National Bank of Amarillo, the Amarillo Chamber of Commerce, the Amarillo Country Club and the Knife and Fork Club.

Whereas, Mr. Pipkin was an outstanding member of the legal profession in Texas, having served as President of the Texas Bar Association, President of the Amarillo Bar Association for two terms, Director both of the Texas Bar and Amarillo Bar, and as a member of the American Bar Association. He was a charter member and past president of the Amarillo Rotary Club. Also, he served as president of the Texas University Ex-students' Association and a director of the Executive Council of the Ex-students' Association. He was a director of the American National Bank of Amarillo, the Amarillo Chamber of Commerce, the Amarillo Country Club and the Knife and Fork Club.

Whereas, Mr. Pipkin was the son of a Baptist minister and himself a distinguished and outstanding member of the Baptist Church. He served as chairman of the Board of Deacons of the First Baptist Church of Amarillo for more than thirty years, and for many years was a member of the Board of Directors of Buckner's Orphans' Home at Dallas. He was humanistic in his attitudes toward his fellow man and in all things an ardent adherent of Christian principles in all phases of his life.

Whereas, Mr. Pipkin, even in his recreational life, followed the bent of a studious mind in that he adopted for his hobbies the study of archaeology in the Southwest and on the High Plains and amateur photography. He was an active member of the Panhandle-Plains Historical Society, and the worth of his amateur photography is evinced in the collection of his pictures now in the museum at the West Texas State College at Canyon, Texas.

Whereas, Mr. Pipkin, adapting his life to the language of Abraham Lincoln,

"With malice toward none, with charity for all, with firmness in the right, as God gives us to see the right,"

projected his life into the civic, religious, and educational development of the community in which he lived—and in the broader area into which he frequently journeyed. His influence will long be felt by those whose paths crossed his in the course of his long and useful life.

Whereas, It is the desire of the Senate to acknowledge and pay tribute to the worthy life of Mr. Pipkin and to extend sympathy and condolences to the surviving members of this family; therefore, be it

Resolved, That a page be set aside in the Senate Journal for this resolution and that, when the Senate adjourns today, it do so out of respect to the memory of a Christian gentleman who "... Died full of years and honors, as illustrious for those he refused as for those he accepted." Be it further

Resolved, That a copy of this resolution be sent to each of the surviving members of the family of Mr. Pipkin, namely: Mrs. J. J. Pipkin, his mother; Mrs. Herman C. Pipkin, his wife; H. C. Pipkin, Jr., his son; Patricia Pipkin, his daughter; Charles Pipkin of Beaumont and J. H. Pipkin of New York, his brothers; and his six sisters, Mrs. A. S. McSwain and Mrs. Emmie Vick of Bryan, Mrs. Alva Gribble of Austin, Mrs. Frank Powell of Montgomery, Mrs. Ruth Yates of San Marcos, and Mrs. Louise Coke of Indiana.

The resolution was read and was adopted unanimously.